

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3793

IN THE MATTER OF:

Served July 15, 1991

Application EXECUTIVE SEDAN	)	Case No. AP-91-21
MANAGEMENT SERVICES, INC., for	)	
Temporary Authority -- Contract	)	
with United States Nuclear	)	
Regulatory Commission	)	

By application filed June 17, 1991, Executive Sedan Management Services, Inc. (ESMS or applicant), seeks temporary authority to transport passengers in irregular route operations between points in the Metropolitan District pursuant to a contract with the United States Nuclear Regulatory Commission (NRC).

ESMS is a Maryland corporation formed in February 1991 and is under common control with (1) Barwood, Inc., a Maryland corporation that owns a fleet of taxicabs in Montgomery County, MD, and (2) Executive Coach, Ltd., the holder of WMATC Certificate of Authority No. 177.

The contract is for one year with two consecutive one-year renewal options. NRC states that its current contract for this service expires June 30, 1991, but it will attempt to negotiate an extension of that contract through August 2, 1991. The contract requires three vehicles to operate a shuttle service among NRC facilities in the Rockville - Bethesda area of Montgomery County, MD. NRC indicates an immediate need for service and states that lack of service would have a negative impact on the agency's ability to conduct business. The service is expected to carry about 1,260 passengers a week. It would operate between about 7:00 a.m. and 4:45 p.m. on government workdays. Applicant proposes to use three 1991 vehicles, each seating 21 passengers.

The standards for temporary authority are set forth in the Compact at Title II, Article XI, Section 13. The essential elements are (1) an immediate need for service, (2) no carrier available to meet such need, and (3) fitness of the applicant. See Order No. 2864, served May 23, 1986; Order No. 2857, served May 12, 1986; and Order No. 1643, served January 24, 1977.

Order No. 3777, served June 19, 1991, generally described the evidence submitted with the application. That order served as publication of notice and directed that protests, if any, be filed in accordance with Commission Rule No. 13 and Commission Regulation No. 54-04(a) no later than Monday, July 1, 1991. No protest was filed.

Inasmuch as no duly authorized carrier protested this application, thereby indicating its ability, willingness, and availability to provide the service proposed by applicant for the time

period involved, the Commission finds that no other carrier is capable of meeting the need for the proposed service. It is further found, based on the evidence of record as described in Order No. 3777 and this order, that there is an immediate need for the service described in this application and that applicant is fit to provide that service.

THEREFORE, IT IS ORDERED:

1. That Executive Sedan Management Services, Inc., is hereby conditionally granted a maximum of 180 days temporary authority, contingent upon timely compliance with the terms of this order, to transport passengers in irregular route operations between points in the Metropolitan District for the account of the United States Nuclear Regulatory Commission.

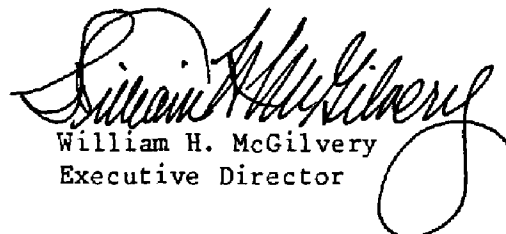
2. That Executive Sedan Management Services, Inc., is hereby directed, no later than 30 days from the date of this order, to (a) identify its vehicles in accordance with Commission Regulation No. 61; (b) file an affidavit of compliance with Commission Regulation No. 61; (c) file three copies of WMATC Contract Tariff No. 1 with cover sheet pursuant to Commission Regulation No. 55; (d) file an equipment list stating year, make, model, serial number, vehicle number (if any), seating capacity, and license plate number (with jurisdiction) for all vehicles to be used in revenue operations for the account of the United States Nuclear Regulatory Commission; (e) file evidence of ownership or lease(s), as appropriate, for all vehicles to be used in revenue operations for the account of the United States Nuclear Regulatory Commission; and (f) file a certificate of insurance in conformance with Commission Regulation No. 58 and Order No. 3623 covering all vehicles to be used in revenue operations for the account of the United States Nuclear Regulatory Commission.

3. That the Executive Director shall notify Executive Sedan Management Services, Inc., in writing, upon its timely compliance with the requirements of this order, that it may commence operations pursuant to temporary authority.

4. That the temporary authority granted herein shall expire Saturday, January 11, 1992, unless otherwise ordered by the Commission.

5. That unless Executive Sedan Management Services, Inc., complies with the requirements of this order within 30 days from date of issuance of this order or such additional time as the Commission may direct or allow, the grant of authority contained herein shall be void, and this application shall stand denied in its entirety, effective upon the expiration of the said compliance time.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS SCHIFTER AND SHANNON:

  
William H. McGilvery  
Executive Director